

# MANDATE

E.D.N.Y.—Bklyn.  
21-cv-4332  
Block, J.

## United States Court of Appeals FOR THE SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 30<sup>th</sup> day of July, two thousand twenty-five.

Present:

Eunice C. Lee,  
Beth Robinson,  
Sarah A. L. Merriam,  
*Circuit Judges.*

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Jane Doe,

*Petitioner,*

v.

25-867

New York City Department of Education, et al.,

*Respondents.*

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Petitioner requests, under 28 U.S.C. § 1292(b), leave to appeal an interlocutory order of the district court; in the alternative, she argues that she may appeal under the collateral order doctrine. Petitioner also moves for leave to file a reply. Upon due consideration, it is hereby ORDERED that the motion for leave to file a reply is GRANTED. It is further ORDERED that the § 1292(b) petition is DENIED and the appeal is DISMISSED because Petitioner does not satisfy the requirements of § 1292(b) and there is no other basis for immediate appeal. *See Ortiz-Del Valle v. Nat'l Basketball Ass'n*, 190 F.3d 598, 599 (2d Cir. 1999) (holding that a new trial order is not an immediately appealable final decision under § 1291); *Casey v. Long Island R.R. Co.*, 406 F.3d 142, 147 (2d Cir. 2005) (“[T]he correctness *vel non* of an order finding that a monetary verdict is not supported by the evidence but rather is so high as to shock the judicial conscience, and requiring a new trial unless the claimant accepts a remittitur, is not a question of law as to which


MANDATE ISSUED ON 07/30/2025

an immediate interlocutory appeal is appropriate under § 1292(b).”); *Sorensen v. City of New York*, 42 F. App’x 507, 509 (2d Cir. 2002) (summary order) (holding that a new trial order did not satisfy the collateral order doctrine).

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court

  
Catherine O'Hagan Wolfe



A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  
Catherine O'Hagan Wolfe

